

**DEPARTMENT OF BUILDING AND DEVELOPMENT**  
**COUNTY OF LOUDOUN**  
**MEMORANDUM**

DATE: December 8, 2009

TO: Mike Elabarger, Project Manager, Department of Planning

FROM: Todd Taylor, Environmental Engineer

THROUGH: William Marsh, Environmental Review Team Leader

CC: Val Thomas, Zoning Planner  
Kelly Williams, Community Planning, Department of Planning  
Brian Fuller, Planner, Department of Parks and Recreation and  
Community Services

**SUBJECT: ZCPA-2009-0007 & ZMOD-2009-0004**  
**Belmont Glen Village**  
**(2<sup>nd</sup> Submission)**

The Environmental Review Team (ERT) has reviewed the revised application and offers the following comments.

*Regarding stream buffers*

1. Facilities Standards Manual (FSM) Section 5.320.D.7.a prohibits any land disturbing activity within 300 feet from the existing or planned shoreline of the impoundment area of any public drinking water reservoir. As such, please remove the stormwater management pond from the 300-foot Reservoir Protection Buffer (see Attachment A).
2. Depict the full River and Stream Corridor 50-foot Management Buffer on sheets 2 through 6. The 50-foot management buffer surrounds the floodplain **and adjacent steep slopes** (25 percent or greater). The 100-foot threshold referenced in River and Stream Corridor Resources Policy 2.c is the maximum distance adjacent steep slopes can be from the floodplain. The threshold limits the overall buffer to 150 feet from the floodplain when there are adjacent steep slopes. Please correct the 50-foot Management Buffer on the specified plan sheets. [Revised General Plan (RGP) River and Stream Corridor Resources Policy 2]
3. Once the River and Stream Corridor Buffer is depicted correctly, as described above, lots 170 and 171 are located within the buffer. To minimize impacts to the riparian

corridor, staff recommends removing the lots from the buffer. The encroachment would result in impacts to existing forest cover and steep slopes adjacent to a jurisdictional stream. As stated on Page 5-32 of the RGP, “riparian forests along streams provide the greatest single protection of water quality by filtering pollutants from stormwater runoff, decreasing stream bank erosion, and maintaining the physical, chemical, and biological condition of the stream environment”. [RGP Policy 18]

*Regarding steep slopes*

4. The applicant’s responses acknowledge that the layout will require a con-span crossing to access lots 19-39, and references a steep slope/road crossing enlargement on Sheet 7. Since Sheet 7 is not a proffered sheet, as indicated by Proffer I.1, please add a label/note to Sheet 3 indicating that the road providing access to lots 19-39 shall utilize a con-span crossing to avoid impacting very steep slopes. [Revised 1993 Loudoun County Zoning Ordinance (Revised 1993 LCZO) Section 5-1508(D)(1)]
5. As previously stated, land disturbance associated with residential lots is not a permitted use on very steep slopes, per Section 5-1508(D)(1)(c) of the Revised 1993 LCZO. As currently depicted, lots 19, 20, 169, 170, and 171 do not have sufficient buildable area without impacting very steep slopes. Please remove or revise lots to completely avoid land disturbance to very steep slopes.
6. With this submission, Proffer 19 (Goose Creek Reservoir Protection Buffer and Scenic Easement) and Proffer 23 (Riparian Planting Plan) associated with rezoning ZMAP-2004-0006 have been deleted and replaced with Proffer 32 (Reforestation). The current reforestation proffer identifies two areas for reforestation farther uphill, both outside of the 300-foot Reservoir Protection Buffer. Staff finds that the current proffer provides less environmental benefit than the previous proffers. In addition, staff does not understand why the commitment to stabilize the drainages near the confluence with Goose Creek has been deleted. To provide better protection of the Goose Creek Reservoir and enhanced riparian function, staff recommends that the current proffer be replaced with a general commitment to reforest and stabilize areas adjacent to the Goose Creek Reservoir. The commitment should focus on widening the vegetative buffer along the reservoir and stabilizing drainages on the property that directly flow into the reservoir within the 300-foot Reservoir Protection buffer, as allowed by the U.S. Army Corps of Engineers and Virginia Department of Environmental Quality. Staff recommends that the reforestation effort result in a vegetative buffer along the reservoir that is a minimum of 150 feet in width. In some locations, the current buffer is as narrow as 50 to 75 feet. Reforestation should not include land area that corresponds with the archeological site.

Staff recommends that the commitment specify the following: 1) the applicant shall work with the County Urban Forester and the Chief Planner of the Department of Parks and Recreation and Community Services on the development of the

reforestation/stabilization plan; 2) the reforestation/stabilization plan shall be submitted to the County Urban Forester and the Chief Planner of the Department of Parks and Recreation and Community Services for review and approval prior to the approval of the first construction plans and profiles; 3) the applicant shall post a bond with the County in an amount sufficient to cover the cost of implementing the reforestation/stabilization plan as part of the construction plans and profiles application; 4) plant material shall consist of 3-gallon containerized native trees, unless County staff determines smaller material (live stakes, bare root seedlings, etc.) is appropriate; 5) the reforestation/stabilization shall be implemented prior to issuance of the first certificate of occupancy; 6) the applicant shall ensure a minimum of 80 percent of the initial planting is determined to be established after two growing seasons; 7) an annual inspection shall be conducted by the applicant, the County Urban Forester, and the Chief Planner of the Department of Parks and Recreation and Community Services to verify establishment; and 8) if the 80 percent establishment isn't achieved after the second growing season, a onetime planting to bring the project to full stocking shall be conducted by the applicant.

*Other*

7. The applicant indicated during the October 8, 2009 meeting, that a wetland permit has already be issued for the subject property and that mitigation bank credits have already been purchased, outside of Loudoun County. The current permit does not meet Policy 23 on Page 5-11 of the RGP which states that "the County will support the federal goal of no net loss to wetlands in the County." Please provide a copy of the wetland permit and associated impacts map for staff to review.
8. Staff commends the applicant for including Proffer 34 (Building Standards), which requires all dwelling units to be constructed in conformance with the National Association of Homebuilders (NAHB) National Green Building Program Bronze Level standards. However, staff has concerns regarding the enforceability of the proffer. Staff recommends that the proffer include commitments to a pre-preliminary subdivision/construction plan meeting with county staff to review anticipated performance points; a provision to allow county staff to view verification report submitted to NAHB Research Center; and a surety that the County will release when certification is awarded, or once County staff verifies independently that the green building features have been completed. Said surety would need to be distinct from performance bonds required by the Facilities Standards Manual.

Please contact me if you need any additional information.

ATTACHMENT A: GOOSE CREEK RESERVOIR PROTECTION BUFFER

